

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 1, 2006

DIVISION THREE

[illegible]

The judgment is affirmed, except that the judgment of conviction for second degree murder is reversed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B180818 Sawyer-Strub (Not for Publication)
v.
Damon Company, Inc., et al.

The judgment is affirmed. Costs on appeal are awarded to Damon Company and Elizabeth M. Strub.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B182984 KWI 7080 Hollywood Blvd., L.P. (Not for Publication)
v.
City of Los Angeles, et al.

The judgment is affirmed. The city is entitled to recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B181458 Balandran, et al. (Not for Publication)
B181473 v.
Labor Ready, Inc.

The appeal is dismissed as moot. Labor Ready is to pay plaintiffs' counsel costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B175465 Theodore Insurance Agency, Inc. (Not for Publication)
B178408 v.
Morady, et al.

The summary judgment is affirmed. The post-judgment order awarding attorney's fees to respondents is reversed. All parties will bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

August 1, 2006 (Continued)

DIVISION THREE (Continued)

B183266 People (Not for Publication)
v.
Derek Johnson

The judgment is affirmed in part, reversed in part, and remanded. The convictions are affirmed, but the sentence is vacated for the reasons stated herein and the case is remanded to the trial court for resentencing.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B190616 Darnell M., Sr. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

Finding no error in the making of the dependency court's April 21, 2006 section 336.21 subdivision (3) six-month review hearing order respecting Father's request for a contested review hearing and Father's request to have the minor child's paternal grandmother and aunt considered as adoptive parents, Father's petition for extraordinary writ relief is denied.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FIVE

B185051 People
v.
Michael Yagle

Appellant's letter deemed petition for rehearing. Filed order denying petition for rehearing.

August 1, 2006 (Continued)

DIVISION FIVE (Continued)

B184285 People (Not for Publication)
v.
Michael Mckenzie

The trial court is ordered to strike that portion of the judgment awarding restitution to State Farm in the amount of \$1,883.43. The trial court is further ordered to increase the amount of restitution to Christopher Barochiere by the amount of \$1,883.43, so that total restitution in favor of Christopher Barochiere is \$7515.39. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

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The judgment is modified by reducing the \$400 restitution fine to \$210. The parole revocation restitution fine is reduced to \$210 and shall be suspended unless defendant's parole is revoked. The case is remanded to the trial court for a determination of the period defendant was in actual custody during the period from and including May 6, 2005 to and including August 11, 2005 and a recalculation of defendant's presentence credits for that period. The trial court shall then enter an amended abstract of judgment reflecting defendant's reduced fines and recalculated presentence credits. The trial court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections. The judgment is otherwise affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

August 1, 2006 (Continued)

DIVISION FIVE (Continued)

B186185 In re: Aliza M., et al., (Not for Publication)
 v.
 LACDCFS
 Nina R.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B178955 Lilvati Sharma
 v.
 A. Michael Pardue

Filed order denying petition for rehearing.

B180906 Alpha Holdings et al
 v.
 Travelers Indemnity Company et al

Filed order denying petition for rehearing.

DIVISION SEVEN

B184523 Wagner
 v.
 Columbia Pictures Industries, Inc.

Filed order vacating submission order of 6-2-06. The matter is to be calendared for further argument.

August 1, 2006 (Continued)

DIVISION EIGHT

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The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.